

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re)
) Case No. _____
)
) MOTION BY TRUSTEE TO DISMISS
) CASE AND NOTICE THEREON
Debtor(s))

The trustee states the debtor(s), whose last known address is _____, are in default under the terms of the plan since the required plan payments have not been made as detailed below:

Debtor's last payment received: _____
Amount in default: _____
Number of payments in default: _____
Number of Trustee's previous motions: _____

The debtor(s) made no showing of just cause for such default.

WHEREFORE, the trustee moves that an order be entered dismissing this case as provided in 11 USC §1307(c).

DATE: _____
Trustee

NOTICE

NOTICE IS GIVEN that the court will dismiss this case unless, within 28 days of the service date of this notice below, the debtor does one of the following and serves a copy of any document filed with the Clerk on the trustee, Naliko Markel, P.O. Box 467, Eugene, Oregon 97440:

1. Cure any existing default in plan payments, AND obtain from the trustee a copy of the trustee's withdrawal of this motion to dismiss;
2. File with the Clerk a modified plan using Local Form (LBF) #1355.10;
3. File with the Clerk a motion to dismiss or convert the case to one under Chapter 7;
4. Simultaneously file BOTH (a) a motion for a hardship discharge under 11 USC §1328(b), AND (b) a completed Notice of Motion using Local Form (LBF) #1378;
5. File a written request for hearing with the court stating specific grounds for denial of the motion.

CLERK, U.S. BANKRUPTCY COURT
405 E 8th Ave #2600
Eugene OR 97401

I certify on _____ I served copies of the above motion on the debtor(s) and any debtor's attorney.

Trustee